

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tammy Laird

(b) County of Residence of First Listed Plaintiff Gloucester
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Caren N. Gurmankin, Esq., Console Mattiacci Law,
110 Marter Avenue, Suite 502, Moorestown, NJ 08057

DEFENDANTS

Global Trading Enterprises LLC d/b/a Rastelli Global
Rastelli Foods Group, LLCCounty of Residence of First Listed Defendant Gloucester
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PRISONER PETITIONS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 U.S.C. §621, et seq.

Brief description of cause:

Plaintiff was discriminated against based on her age.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
in excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/05/2021

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

TAMMY LAIRD
Swedesboro, NJ 08085

Plaintiff,

v.

GLOBAL TRADING
ENTERPRISES LLC d/b/a RASTELLI
GLOBAL
300 Heron Drive
Swedesboro, NJ 08085

and

RASTELLI FOODS GROUP, LLC
300 Heron Drive
Swedesboro, NJ 08085

Defendants.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

COMPLAINT

I. INTRODUCTION

Plaintiff, Tammy Laird, brings this action against her former employers, Global Trading Enterprises, LLC d/b/a Rastelli Global and Rastelli Foods Group (“Defendants”). Defendants terminated Plaintiff at age fifty seven (57) and after about fourteen (14) years of undisputedly excellent performance, and assigned her job responsibilities to substantially younger employees. Defendants discriminated against Plaintiff based on her age in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621, *et seq.*

(“ADEA”) and the New Jersey Law Against Discrimination, as amended, N.J.S.A. 10:5-1, *et seq.* (“NJLAD”).

II. PARTIES

1. Plaintiff, Tammy Laird, is an individual and a citizen of the state of New Jersey.

2. Plaintiff was fifty seven (57) years old at the time that Defendants terminated her employment.

3. Defendant, Global Trading Enterprises, LLC d/b/a Rastelli Global, is a New Jersey corporation with a principal place of business at 30 Heron Drive, Swedesboro, NJ 08085.

4. Defendant, Rastelli Foods Group, LLC, is a New Jersey corporation with a principal place of business at 30 Heron Drive, Swedesboro, NJ 08085.

5. Defendants are engaged in an industry affecting interstate commerce and regularly do business in the state of New Jersey.

6. At all times material hereto, Defendants acted by and through their authorized agents, servants, workmen, and/or employees acting within the course and scope of their employment with Defendants and in furtherance of Defendants’ business.

7. At all times material hereto, Defendants acted as employers within the meaning of the statutes which form the basis of this matter.

8. At all times material hereto, Plaintiff was an employee of Defendants within the meaning of the statutes which form the basis of this matter.

III. JURISDICTION AND VENUE

9. The causes of action which form the basis of this matter arise under the ADEA and the NJLAD.

10. The District Court has jurisdiction over Count I (ADEA) pursuant to 29 U.S.C. §626(c) and 28 U.S.C. §1331.

11. The District Court has supplemental jurisdiction over Count II (NJLAD) pursuant to 28 U.S.C. §1367.

12. Venue is proper in the District Court under 28 U.S.C. §1391(b).

13. On or about November 5, 2020, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), complaining of acts of discrimination alleged herein. Attached hereto, incorporated herein and marked as Exhibit “1” is a true and correct copy of the EEOC Charge of Discrimination (with personal identifying information redacted).

14. On or about August 19, 2021, the EEOC issued to Plaintiff a Dismissal and Notice of Rights for her Charge of Discrimination. Attached hereto, incorporated herein and marked as Exhibit “2” is a true and correct copy of that notice (with personal identifying information redacted).

15. Plaintiff has fully complied with all administrative prerequisites for the commencement of this action.

IV. FACTUAL ALLEGATIONS

16. Plaintiff was hired by Defendants as a Pricing Supervisor in or around March 2006.

17. At the time of Plaintiff’s termination, she held the position of Billing

Manager, the position into which she had been promoted in around 2013.

18. As of March 2020, Plaintiff reported directly to Anthony Rastelli II, Office Manager. Mr. Rastelli II reported directly to his father, Tony Rastelli, Sr., Co-Owner.

19. At all times material hereto, Plaintiff performed her duties in a highly competent manner.

20. As Defendants stated in their Position Statement to the Equal Employment Opportunity Commission in response to Plaintiff's Charge of Discrimination, "By 2016 [Plaintiff] was running the billing department. Her performance reviews throughout were excellent".

21. On or about July 31, 2020, Mr. Rastelli II and Sal Russo, Shared Service Services Manager, informed Plaintiff that she was being furloughed for eight (8) weeks due to the Covid-19 pandemic.

22. Mr. Rastelli and Mr. Russo told Plaintiff that Defendants' workload was reduced as a result of the pandemic.

23. Plaintiff was told that Defendants would be in touch to advise as to her employment status at the end of the eight (8) week furlough period.

24. On or about September 24, 2020, Paul Zaun, Chief Financial Officer, contacted Plaintiff and asked if she would be interested in returning to work only for about one (1) to two (2) months on a special project.

25. Plaintiff responded that she was interested, as she just wanted to return to work.

26. Mr. Zaun told Plaintiff that he would be in touch with her once Mr.

Rastelli Sr. figured out whether the workload supported bringing her back to work.

27. Shortly thereafter, Mr. Zaun contacted Plaintiff and told her that Defendants were still trying to figure out if they needed her and that they would be in touch.

28. Mr. Rastelli Sr. subsequently contacted Plaintiff to let her know that he was hoping that Defendants would secure additional work that would warrant her return to work and that he would let her know.

29. Plaintiff contacted Defendants a few days later, as she had not heard anything about her return to work.

30. In response to Plaintiff's inquiry about her return to work, Mr. Russo confirmed that Defendants had terminated her employment on or about September 28, 2020.

31. To the best of Plaintiff's information and belief, her job responsibilities have been assigned to substantially younger employees.

32. Plaintiff hired and trained the employees to whom she believes her job responsibilities have been assigned.

33. Aside from that set forth herein, Defendants' conduct and comments evidenced a bias against older employees. The same includes, but is not limited to, the following:

- (a) To Plaintiff's information and belief, in the months prior to her termination, Defendants terminated older employees and replaced them with younger employees;
- (b) Mr. Rastelli Sr. made comments about employees of Defendants being better able to handle work and

complete certain tasks because they are “young and beautiful”;

(c) To Plaintiff's information and belief, Mr. Russo asked an employee over the age of sixty (60) when she planned to retire; and,

(d) To the best of Plaintiff's knowledge and belief, Defendants terminated other older employees at around the same time that they terminated her employment.

34. Plaintiff's age was a motivating and/or determinative factor in Defendants' discriminatory treatment of Plaintiff, including terminating her employment.

35. As a direct and proximate result of the discriminatory conduct of Defendants, Plaintiff has in the past incurred, and may in the future incur, a loss of earnings and/or earning capacity, loss of benefits, pain and suffering, embarrassment, humiliation, loss of self-esteem, mental anguish, and loss of life's pleasures, the full extent of which is not known at this time.

36. Defendants acted with malice and/or reckless indifference to Plaintiff's protected rights.

COUNT I - ADEA

37. Plaintiff incorporates herein by reference paragraphs 1 through 36 above, as if set forth herein in their entirety.

38. By committing the foregoing acts of discrimination against Plaintiff, Defendants have violated the ADEA.

39. Said violations were willful and warrant the imposition of liquidated damages.

40. As a direct and proximate result of Defendants' violation of the ADEA, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.

41. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendants' discriminatory acts unless and until this Court grants the relief requested herein.

42. No previous application has been made for the relief requested herein.

COUNT II – NJLAD

43. Plaintiff incorporates herein by reference paragraphs 1 through 42 above, as if set forth herein in their entirety.

44. Defendants, by the above improper and discriminatory acts, have violated the NJLAD.

45. Said violations were intentional and willful.

46. As a direct and proximate result of Defendants' violation of the NJLAD, Plaintiff has sustained the injuries, damages, and losses set forth herein and has incurred attorney's fees and costs.

47. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' discriminatory acts unless and until the Court grants the relief requested herein.

48. No previous application has been made for the relief requested herein.

RELIEF

WHEREFORE, Plaintiff seeks damages and legal and equitable relief in connection with Defendants' improper conduct, and specifically prays that the Court grant the following relief to the Plaintiff by:

- (a) declaring the acts and practices complained of herein to be in violation of the ADEA;
- (b) declaring the acts and practices complained of herein to be in violation of the NJLAD;
- (c) enjoining and permanently restraining the violations alleged herein;
- (d) entering judgment against the Defendants and in favor of the Plaintiff in an amount to be determined;
- (e) awarding compensatory damages to make the Plaintiff whole for all lost earnings, earning capacity and benefits, past and future, which Plaintiff has suffered or may suffer as a result of Defendants' improper conduct;
- (f) awarding compensatory damages to Plaintiff for past and future pain and suffering, emotional upset, mental anguish, humiliation, and loss of life's pleasures, which Plaintiff has suffered or may suffer as a result of Defendants' improper conduct;
- (g) awarding liquidated damages to Plaintiff under the ADEA;
- (h) awarding punitive damages to Plaintiff under the NJLAD;
- (i) awarding Plaintiff such other damages as are appropriate under the ADEA and the NJLAD;

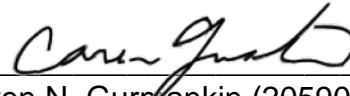
(j) awarding Plaintiff the costs of suit, expert fees and other disbursements, and reasonable attorney's fees; and,

(k) granting such other and further relief as this Court may deem just, proper, or equitable including other equitable and injunctive relief providing restitution for past violations and preventing future violations.

CONSOLE MATTIACCI LAW

Dated: 11/5/21

BY:



Caren N. Gurnmankin (205900)
110 Marter Avenue, Suite 502
Moorestown, NJ 08057
(856) 854-4000
(215) 405-2900 (fax)

Attorney for Plaintiff,
Tammy Laird

Exhibit “1”

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See privacy statement before consolidating tills form.		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER: 530-2020-06028C
STATE OR LOCAL AGENCY:			
NAME (Indicate Mr., Ms., Mrs.) Tammy Laird		HOME TELEPHONE NUMBER (Include Area Code) [REDACTED]	
STREET ADDRESS [REDACTED]		CITY, STATE AND ZIP Swedesboro, NJ 08085	DATE OF BIRTH [REDACTED]
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP, COMMITTEE, STATE OF LOCAL GOVERNMENT WHO DISCRIMINATED AGAINST ME (If more than one than list below)			
NAME Rastelli Global Enterprises Rastelli Foods Group		NUMBER OF EMPLOYEES, MEMBERS >20	TELEPHONE (Include Area Code) (856) 223-9966
STREET ADDRESS Corporate Headquarters/Charging Party's Work Location 300 Heron Drive		CITY, STATE AND ZIP Swedesboro, NJ 08085	COUNTY Gloucester
CAUSE OF DISCRIMINATION (Check appropriate box(es)) <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Other (Specify)		DATE DISCRIMINATION TOOK PLACE Earliest _____ Latest 07/31/2020	
<u>The Particulars Are:</u> A. 1. Relevant Work History I was hired by Respondent in or about March 2006 as Pricing Supervisor. I was promoted to Billing Manager in around 2013. As of around March 2020, I started reporting to Anthony Rastelli II, Office Manager. Mr. Rastelli reported directly to his father, Tony Rastelli, Sr., Co-Owner. Prior to my termination, I was not disciplined or written up for any performance issues or deficiencies.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures		NOTARY - (when necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.			
\?-20'2.Q Date:		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day Month, and year)	

1-CL

Charging Party (Signature)

2. Harm Summary

I was discriminated against based on my age. Evidence of the discriminatory conduct to which I have been subjected includes, but is not limited to, the following:

- (a) On or about July 31, 2020, Mr. Rastelli II and Sal Russo, Shared Services manager, informed me that I was being furloughed for eight (8) weeks due to the current pandemic and the fact that Respondents' workload was reduced as a result;
- (b) I was told that Respondents would be in touch to advise as to my employment status at the end of the eight (8) week period;
- (c) On or about September 24, 2020, Paul Zaun, Chief Financial Officer, contacted me and asked if I would be interested in returning to work only for about one (1) to two (2) months on a special project. I indicated that I was definitely interested, as I wanted to return to work;
- (d) Mr. Zaun said that he would be in touch with me once Mr. Rastelli Sr. had figured out whether the workload supported bringing me back;
- (e) Shortly thereafter, Mr. Zaun contacted me and said that Respondents were still trying to figure out if they needed her, and that they would be in touch;
- (f) Mr. Rastelli Sr. contacted me and said that he was hoping to get additional work that would warrant my return and that he would let me know;
- (g) I did not hear anything back from Respondents in connection with my return to work. When I contacted them a few days later to ask about the status of certain of my benefits, Mr. Russo sent me an email answering my questions and confirming that Respondents had terminated my employment;
- (h) Respondents' comments and conduct evidenced a bias against older employees. The same includes, but is not limited to, the following:
 - (1) To the best of my knowledge, my direct reports, both of whom are substantially younger than I am, have taken over my job responsibilities;
 - (2) I am aware that, over the last several months, Respondents have terminated older employees and replaced them with younger employees;
 - (3) Mr. Rastelli Sr. has made comments about employees in Respondents' other locations being better able to handle work and complete certain tasks because they are "young and beautiful";
 - (4) To the best of my knowledge, Mr. Russo asked an employee over the age of sixty (60) when she planned to retire; and,
 - (5) To the best of my knowledge, Respondents terminated other older employees at around the same time that they terminated my employment.

B. 1. Respondents' Stated Reasons

Respondents have not offered any explanation for putting me on furlough and then terminating my employment.

C. 1. Statutes and Basis for Allegations

I believe that Respondents have discriminated against me in violation of the Age Discrimination in Employment Act, as amended, 29 U.S.C. § 621, *et seq.* ("ADEA"), and the New Jersey Law Against Discrimination, as amended N.J.S.A. 10:5-1, *et seq.* ("NJLAD").

Exhibit “2”

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Tammy Laird

From: Philadelphia District Office
801 Market Street
Suite 1000
Philadelphia, PA 19107On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2021-00557

Legal Unit,
Legal Technician

(267) 589-9707

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

08/19/2021

Enclosures(s)

Dana R. Hutter,
Deputy Director

(Date Issued)

CC:

Hank Malcom
HR Director
Rastelli Foods
300 Heron Dr.
Swedesboro, NJ 08085Caren N Gurmankin, Esq.,
1525 Locust Street
9th Floor
Philadelphia, PA 19102